

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: ROBERT MORRIS HARPOLD, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Robert Morris Harpold, M.D. ("Dr. Harpold"), freely and voluntarily enter into the following Consent Order pursuant to the provisions of W. Va. Code § 30-3-14, *et seq.*:

FINDINGS OF FACT

1. Dr. Harpold currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 21529, issued originally in 2004. Dr. Harpold's address of record is in Charleston, West Virginia.

2. In January 2009, Dr. Harpold was the subject of a random audit by the Board to determine whether he had completed the required minimum number of fifty (50) hours of Continuing Medical Education ("CME") coursework, as described in 11 CSR 6 2.2, including two (2) hours in the subject of end-of-life care and pain management, as described in W. Va. Code § 30-1-7a, during the licensure period from July 1, 2006, to June 30, 2008.

3. In Dr. Harpold's licensure renewal application for the period from July 1, 2008, to June 30, 2010, submitted to the Board and dated June 27, 2008, Dr. Harpold represented that he had completed the required minimum number of fifty (50) hours of CME coursework, including two (2) hours of CME coursework in the subject of end-of-life care and pain management, during the preceding licensure period from July 1, 2006, to June 30, 2008.

4. The random audit revealed that Dr. Harpold had completed at least fifty (50) hours of approved CME coursework during the preceding licensure period from July 1, 2006, to June 30, 2008, but had failed to complete two (2) hours of CME coursework in the subject of end-of-life care, including pain management.

5. In March 2009, the Complaint Committee of the Board initiated a complaint against Dr. Harpold based upon his apparent deficiency of two (2) hours of CME in the subject of end-of-life care, including pain management, and his certification that he had completed the same during the preceding licensure period from July 1, 2006, to June 30, 2008.

6. On April 6, 2009, Dr. Harpold responded to the Complaint by essentially stating that he believed he had previously completed the requirement of two (2) hours of CME coursework in the subject of end-of-life care, including pain management. He further indicated that he had completed two and one quarter (2.25) hours of CME in the subject of end-of-life care, including pain management, on February 18, 2009, as soon as he learned about the deficiency discovered during the Board's audit.

7. The CME submitted by Dr. Harpold which he completed on February 18, 2009, was not in the subject of end-of-life care, including pain management.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause may exist to substantiate charges against Dr. Harpold pursuant to W. Va. Code § 30-3-14 (c)(17) and 11 CSR 1A 12.1 (e) and (j), relating to unprofessional conduct, and W. Va. Code § 30-3-14 (c)(1) and (17), 11 CSR 1A 12.1 (a), and 11

CSR 6 4.2 and 4.4, relating to the renewal of a license to practice medicine and surgery by making an incorrect statement in connection with a licensure application.

3. The two and one quarter (2.25) hours of CME coursework completed by Dr. Harpold on February 18, 2009, are insufficient to meet the requirements under the statute requiring two (2) hours in the subject of end-of-life care and pain management, as described in W. Va. Code § 30-1-7a.

4. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Harpold and to proceed without the filing of formal charges in a Complaint and Notice of Hearing, provided Dr. Harpold complies with the terms and conditions set forth herein.

CONSENT

Robert Morris Harpold, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and the proceedings conducted in accordance with this Order, to the following:

1. Dr. Harpold acknowledges that he is fully aware that, without his consent here given, no permanent legal action may be taken against him except after a hearing held in accordance with W. Va. Code § 30-3-14 (h) and W. Va. Code § 29A-5-1, *et seq.*

2. Dr. Harpold further acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him.

3. Dr. Harpold waives all rights to such a hearing.

4. Dr. Harpold consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. Harpold understands that this Order is considered public information.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Harpold, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Dr. Harpold shall complete and provide documentation of completion of (2) hours of CME in the subject of end-of-life care, including pain management within 60 days of the entry of this order. If sufficient to meet the requirements of the statute as to subject matter, these CME credits shall be applied to meet the fifty (50) hours required for the renewal period July 1, 2006, to June 30, 2008, and shall not be applied or transferred to any subsequent renewal period. However, by completing this CME, Dr. Harpold will have met the one-time requirement for completion of this particular coursework.

2. Dr. Harpold shall also pay a **CIVIL FINE** in the amount of \$100.00 per credit hour for his prior deficiency of two (2) hours of CME in the subject of end-of-life care, including pain management, for the licensure renewal period from July 1, 2006, to June 30, 2008, together with a one-time **ADMINISTRATIVE FEE** in the amount of \$100.00, for a total of **\$300.00**, which fine and administrative fee shall be received by the Board on or before June 30, 2009.


3. In the event that Dr. Harpold fails to comply with the requirements stated in the preceding paragraphs of this Order, his license to practice medicine in the State of West Virginia shall be **SUSPENDED**, effective immediately, without further process or hearing,

pending his successful completion of these requirements, as agreed to by him, and as required by this Order.

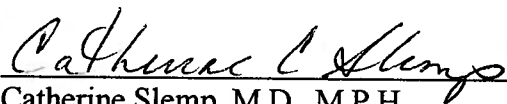
4. Upon the Board's determination that Dr. Harpold is in full compliance with the terms and conditions of this Consent Order, the Complaint against him shall be dismissed immediately.

The foregoing Order was entered this 23rd day of June, 2009.

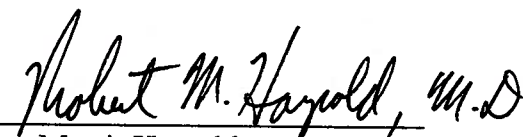
WEST VIRGINIA BOARD OF MEDICINE



John A. Wade, Jr., M.D.
President



Catherine Slemp, M.D., M.P.H.
Secretary



Robert Morris Harpold, M.D.

Date: 6/10/09

STATE OF West Virginia

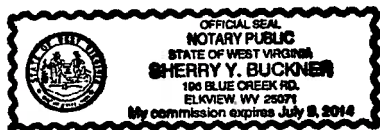
COUNTY OF Kanawha

I, Sherry Y. Buckner, a Notary Public in and for said county and state do hereby certify that Robert Morris Harpold, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 10th day of June, 2009.

My commission expires July 9, 2014.

Sherry Y. Buckner
Notary Public





State of West Virginia *Board of Medicine*

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VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

June 23, 2009

Robert Morris Harpold, M.D.
707 Churchill Drive
Charleston, WV 25314

RE: Robert Morris Harpold, M.D.

Dear Dr. Harpold:

Enclosed please find a copy of the fully executed "Consent Order" in the above-referenced matter.

We are in receipt of your documentation of the two (2) remaining hours of continuing medical education, as referenced in the "Consent Order." Consequently, you are in compliance with the terms and conditions of this "Consent Order," and the Complaint against you has been dismissed.

Please note that the continuing medical education submitted shall not be applicable or transferable to any subsequent renewal period. However, by completing this continuing medical education, you have now met the one (1) time requirement for completion of this particular coursework.

In accordance with the statute, the "Consent Order" will remain a permanent part of your historical record maintained by the Board. A copy of this letter will be attached to the "Consent Order" and will remain a part of the "Consent Order."

Thank you for your cooperation and patience throughout this process and continued best wishes for success.

Sincerely,

A handwritten signature in black ink, appearing to read "R. C. Knittle", written over a horizontal line.

Robert C. Knittle

RCK/eb
Enclosure